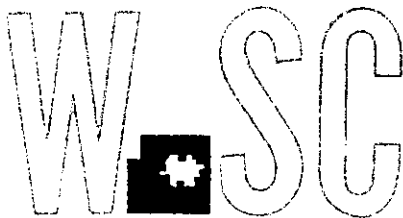


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

November 26, 1997

Duane Carpenter  
3071 W. 27th St. S.  
Wichita, KS 67217

**RE: BZA 22-97 - Variance to reduce the front yard setback from 25 feet to 6 feet on property generally located at the southeast corner of 27th St. S. and Custer (3071 W. 27th St. S.)**

Dear Mr. Carpenter:

Enclosed is a signed copy of the above-referenced BZA Resolution denying the case to be reheard by the Board of Zoning Appeals on November 18, 1997. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Lawrence P. Mitchell  
Secretary  
Board of Zoning Appeals

LPM/sah

cc: Ted Knopp, 310 W. Central, Wichita, KS 67202  
J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
Yolanda Anderson, MAPC (resolution only)



**BZA RESOLUTION NO. 22-97**

**WHEREAS**, Duane Carpenter, pursuant to Section 2.12.590(B) of the Code of the City of Wichita requests a variance to reduce the front yard setback from 25 feet to 6 feet on property legally described as:

Lot 1, Block 11, Builders 14th Addition to Wichita Sedgwick  
County, Kansas.

**WHEREAS**, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

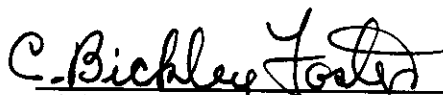
**WHEREAS**, the Board of Zoning Appeals did, at the meeting of November 18, 1997, consider such variance request.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals of the City of Wichita that, having considered the record regarding this matter and having heard the evidence presented to the Board, the Board makes the following findings:

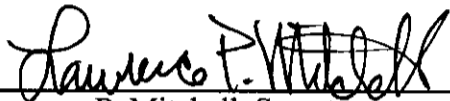
1. That pursuant to Article III D of the Board of Zoning Appeals Rules and Regulations that the application in this matter should not be reconsidered by the Board;
2. That the application presented in BZA 22-97 contains no new plans or new facts which show changed conditions or circumstances which materially alter the aspects of the application from the BZA 5-97 previously submitted by the applicant; and
3. The Board further finds that the applicant has not met his burden to show a change of conditions or circumstances which allow the Board to reconsider the application.

THEREFORE, BASED UPON THE FOREGOING, IT IS DETERMINED THAT PURSUANT TO ARTICLE III, SECTION D of the Rules and Regulations of the Board of Zoning Appeals that the application contained in this matter not be re-considered by the Board of Zoning Appeals.

ADOPTED AT WICHITA, KANSAS THIS 24TH DAY OF NOVEMBER, 1997.

  
\_\_\_\_\_  
Bickley Foster, President

ATTEST:

A handwritten signature in black ink, appearing to read "Lawrence P. Mitchell". The signature is written in a cursive style with some overlapping letters. It is positioned above a solid horizontal line.

Lawrence P. Mitchell, Secretary



**BACKGROUND:** The applicants are requesting a reduction of the front yard setback from 25 feet to 6 feet to accommodate an attached carport. The applicants have indicated that they had the carport constructed in order to prevent snow from piling up outside the attached garage and to provide shade in the summertime. The carport was constructed in November 1996. The applicants indicated that they were under the assumption that the contractor hired to build the carport would take care of obtaining all necessary building permits. OCI records indicate that no permit was issued to construct the carport.

The contractor built the carport on the west side of the house and did not observe the required 25-foot front yard setback. Although this house faces 27th Street and is addressed to 27th Street, the plat for this lot depicts the front yard as being on Custer. Therefore, the carport that is on the side of the house must observe a front yard setback of 25 feet. Since the property is a corner lot and the west side of the property is adjacent to a street, even if the west side of the lot were to be considered the side yard a 15-foot street side yard setback would still be required. The area west of the existing encroachment is currently not developed and the property south of the encroachment is observing the required 25-foot front yard building setback.

All lots in this area are approximately the same size and most homes have attached garages, as this home does. There are no other homes in the immediate neighborhood with carports. In all previous carport cases heard by this Board the applicants have had no other alternative for the protected parking of vehicles. However, in this case there is a 2-car garage attached to the main dwelling unit on this lot.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"MF-18"	Duplexes
SOUTH:	"SF-6"	Single family home
EAST:	"SF-6"	Single family home
WEST:	"SF-6"	Undeveloped lot

**UNIQUENESS:** It is the opinion of staff that this property is not unique inasmuch as the property is 72.5 feet in width and 104.1 feet in depth. The tract is 7,547.25 sq. ft. in area. Adjacent properties to the south and east have 72.5-foot frontages with similar structures built on approximately the same size lots. No homes in the area have carports, as most have attached garages.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will adversely affect the rights of adjacent property owners, inasmuch as the form and materials of the carport are not in character with the existing house on this lot or with other structures in the area.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the sign ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as adequate protection for vehicles is already provided by the attached garage.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no utility easement or street right-of-way would be encroached by the carport.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance as requested is not within the spirit and intent of the zoning ordinance. The applicant's home has an attached garage designed to provide adequate protection from inclement weather. Approval of this request would violate the spirit and intent of the ordinance by varying a setback requirement in order to allow a structure which duplicates the function of the existing garage.

**RECOMMENDATION:** Since all five conditions necessary for the granting of a variance cannot be found to exist, it is recommended that the application be DENIED. However, should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

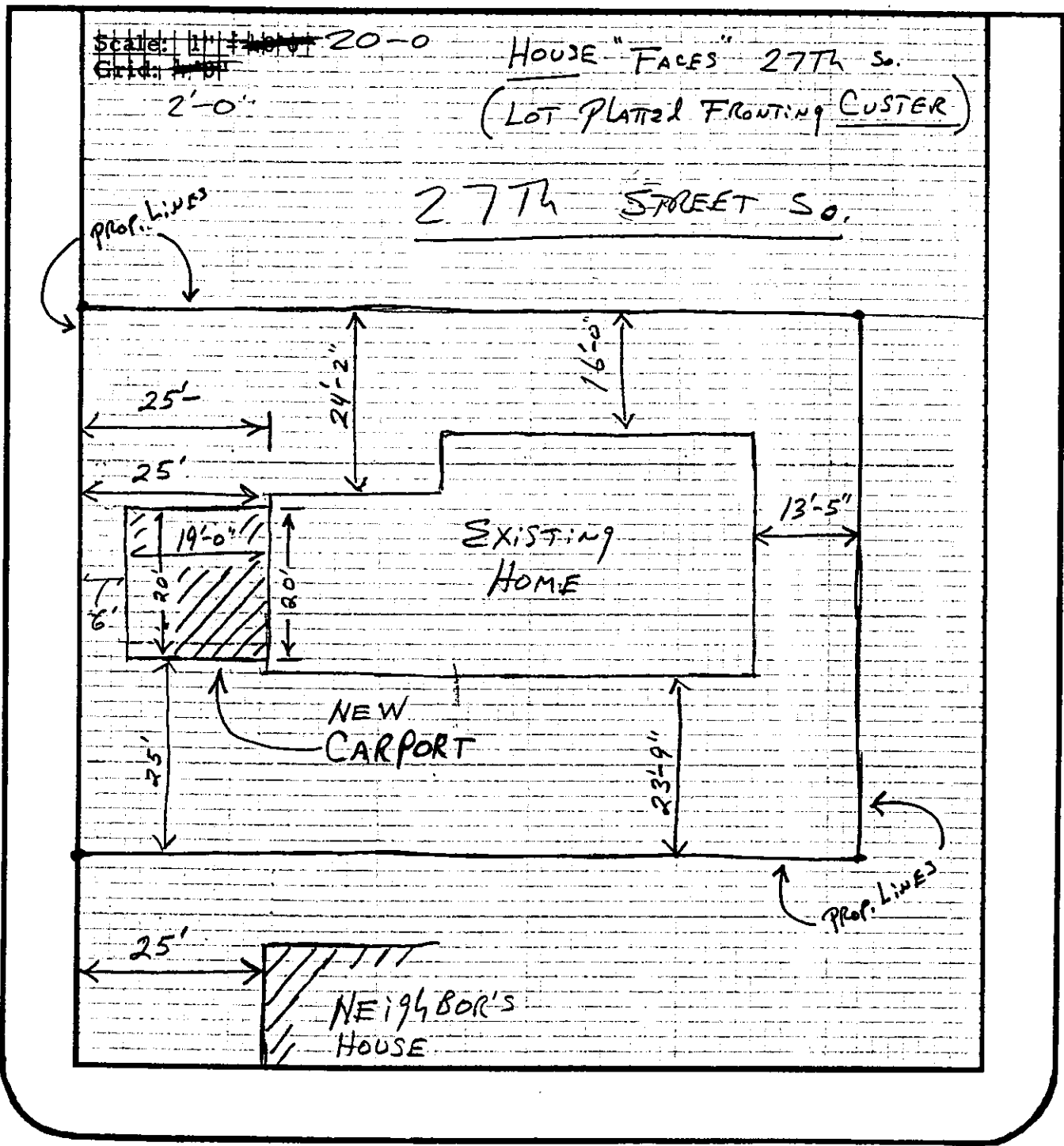
1. The front yard setback variance from 25 feet to 6 feet shall apply to only the west front yard adjacent to the existing carport, which is approximately 20 feet in length, beginning at a point 25 feet north of the south property line, as shown on the site plan submitted with this application.
2. This variance is for an unenclosed carport only and any other structures shall comply with all applicable setback requirements.
3. The applicant shall obtain a building permit from the Office of Central Inspection for the carport within 30 days following the release of the resolution.
4. The newly constructed carport shall comply with all building codes.
5. This resolution shall be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

5244-B

RESIDENTIAL PLOT PLAN

ADDRESS: 3071 W. 27th So. PERMIT NO. NONE  
LOT(S): 1 BLK. H OF BUILDERS 14th ZONING SF-C  
REQUIRED SETBACKS: FRONT 25 SIDE (ST.) 15 SIDE 6 REAR 20'

NORTH  
EAST



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: \_\_\_\_\_  
(Applicant)

White Copy - File      Yellow Copy - Applicant

BLA 5-97